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Paying for Their Crimes, Again

By TINA ROSENBERG

Fixes looks at solutions to social problems and why they work.

When a young man gets out of prison, society has an interest in keeping him out. Helping him to live a law-abiding life benefits everyone: the ex-con and his family and friends, the people who might otherwise have become his victims, and taxpayers, as a year in prison usually costs upwards of $30,000.

We know that states rarely offer former prisoners the help they need to change their lives, such as drug treatment, job search help, stable housing or schooling. What's less widely known is that all over the country, states give newly released prisoners something that immediately sabotages their chances of going straight: a bill for hundreds or thousands of dollars in court costs that they must pay or risk going back to prison.

Many ex-convicts leave prison with a debt to the state that can land them back in jail.

In Massachusetts, the average offender sentenced for a crime owes around $1000 by the time he completes probation. Some of these are court costs, but probation adds to the bill, as the offender has to pay $50 or $65 a month to cover the costs of being supervised.

"It creates a sense of 'I'm never going to get out from under this debt,' " said Bobby Constantino, a former prosecutor in Roxbury District Court, in a high-crime area of Boston.

Courts need money. So shouldn't we get it from the people who are making courts necessary to begin with, the criminals?

Not the way we're doing it now. State legislatures that impose fees calculate how much money they bring in, but seldom look at the costs of collecting them. It is high enough so that the fees often end up costing the state more than they produce. They take up the time of probation and parole officers. Numerous collection-associated court dates burden the courts. Most important, these fees increase the chance that people will end up back behind bars — either for failure to pay, or because the need to find a lot of money right away pushes people back into crime.

Every state hands prisoners its own version of this bill. States have become heavily dependent on these fees. A recent report on the problem by the Brennan Center for Justice at New York University lists prison and jail fees, postage fees, judgment fees, police drug fees, DNA detection fees, prison construction fees, fees for the cost of collecting the debt. Some states have dozens of different fees.

So how does a young man newly out of jail, with very few job prospects, suddenly come up with a thousand dollars? Perhaps by utilizing the same skills that landed him in prison to begin with. "It pushes folks towards illicit sources of income," Constantino said. After two years as a prosecutor in Roxbury, Constantino was sick of the revolving door. "I would watch them come out other side more in debt, less employable," he said. "It seemed like the system was taking a bad problem and making it worse."

Constantino left the district attorney's office in 2005 to do volunteer work with teens and families in Dorchester, another high-crime area of Boston. But he continued to think about the problem and realized that buried in it was an opportunity. Debt was an overwhelming worry for people getting out of prison. Perhaps that need could bring them into a program that could help them get their lives back on track.

In 2008, he went to Judge Edward Redd, the first justice of the Roxbury court, and asked if judges would agree to give defendants credit for their debts if they completed a program that might help keep them from re-offending. He called it the Clapham Set, a homage to the Clapham Sect, a group of 19th-century abolitionists.

Since then, Roxbury has had two new first justices; both signed off. "I get asked every day if I will waive fees for such-and-such reason," said David Weingarten, the current first justice. He often agrees: the probationer may still owe $100 on an $800 bill but desperately needs his driver license to get to a job, for example. "What Clapham Set is doing is trying to memorialize it and put some structure to it."

Constantino designed a course that uses books, articles, poetry and music about the lives of inner-city young men, designed to get young men thinking about how they are perpetuating a cycle of violence, and to "sour the legitimacy of underground employment," he said. He approached several young men at court; they were all eager to take the course if it could get rid of their debt.

One was Carlos L, who was 23 when he met Constantino early last year . He had served two years on drug and weapons charges. During his probation he visited family members, earning two new charges — ex-convicts are not supposed to go back to the old neighborhood. Carlos was billed $300 lawyers' fees and victim witness fees.

Carlos's $300 debt, low by Massachusetts standards, was enormous to him. He enthusiastically agreed to show up at class — then instantly regretted it. "Honestly, I didn't think I'd last. I didn't feel so comfortable," he said. He kept going because he needed the fees waived. "But I found they were talking about stuff very related to people like me and the way I grew up." He stuck with it.

The Clapham Set works with two groups already involved with this revolving-door population: the Black Ministerial Alliance of Greater Boston and the StreetSafe Boston initiative of the Boston Foundation. Suzanne Brent of Clapham Set — herself the mother of two boys who have had brushes with the law — works with each man to help him get into school or into a first job, find stable housing, get his license back, get rehab or anger management classes.

For Carlos, particularly helpful was Brent's coaching in social skills — dealing with different people and different environments. "It got me ready," he said. When necessary, Brent also buys the men shirts that button, real shoes and public transit passes, or loans them a cellphone for a month, so they can give potential employers a way to call back.

Perhaps the most important service is Brent's personal contacts with potential employers. "The men end up dropping 30 resumes at CVS, Home Depot, gas stations, and they always hear 'we're not hiring.' They come to us very frustrated," Brent said. "They aren't going to get a job by sending in an application."

So she goes and talks to businesses. One that has been heroically receptive is Boston Common Coffee, a chain of three stores and a roasting plant owned by Peter Femino. Femino, who met Brent because she was a regular customer, has hired about 10 men in the Clapham Set program. One lasted a day. A few do fine for a while, then disappear. "There's one person I brought back three times," he said. He said that to his knowledge, none of the men have stolen anything — when there is a problem it is usually that they just stop coming to work.

Femino called Brent a few times, telling her that he's about to fire another one. But he always asks her to send him the next good applicant. "I'm always willing to give someone a chance to make a change in their lives," he said.

The chain's most successful Clapham Set employee so far is Carlos. He started a year ago as a dishwasher, and now is the supervisor of the middle kitchen, responsible for sandwiches, at the chain's busiest store. He was new to managing people, but Femino said he learned quickly. "We had a few incidents where there was a flareup, and he kind of threw gasoline on the fire rather than put it out," Femino said. "We sat him down and told him how it should be handled — he needs to be the person who calms everyone down and puts everything in perspective. If someone is yelling, he can't yell. Now he's done that. He's changed. I would trust him as much or more than any other employee."

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Carlos said there are a lot of things he likes about the job. "It keeps me out of trouble," he said. "In general I like the people I work with. I like the everyday customers. I love my boss. Sometimes it can be frustrating. You're dealing with a lot of people and you've got to stay focused. But I know where I came from and how far I came. Some times I wake up and don't feel like going to work but I still go, because I have to."

He is now supporting three children, and feels a bit like an old man with his friends. "I still hang out with my friends and they say, how are you doing this? I give them a couple of words of wisdom." On Carlos's recommendation, one of his friends now works in the store as well.

Three years into the Clapham Set, 26 men ages 16 to mid-twenties have gone through the program. About 20 have found work—although some didn't last very long. So far only five have landed in prison again. This is promising. In Massachusetts, just over half of all ex-convicts reoffend in the first three years. In 11 cases, the program deemed the men's progress good enough to ask the judges to waive their debts. One was Carlos.

Clapham Set shows that the idea is feasible, but it's too small to draw conclusions about how well it works. Constantino is now in New York, working at the Vera Institute of Justice, which is trying to get the money to start a larger demonstration project, one big enough to be evaluated.

The Clapham Set program is a way to turn a problem into an opportunity to focus the attention of a group of people who desperately need help. It can help states save money and help young people to change their lives. On Friday I'll explore this idea further and look at other ways this template might be used.

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